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9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. BPPE22-282

13 **NORTH ADRIAN'S COLLEGE OF BEAUTY**  
**(Main)**  
14 124 Floyd Avenue  
Modesto, CA 95350

**ACCUSATION**

15 **Institution Code No. 5000121**

16 **ADRIAN'S BEAUTY COLLEGE OF TRACY**  
**(Branch)**  
17 3000 West Grantline Road  
18 Tracy, CA 95304

19 **School Code No. 99542506**

20 Respondent.

21  
22 **PARTIES**

23 1. Deborah Cochrane (Complainant) brings this Accusation solely in her official  
24 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of  
25 Consumer Affairs.

26 2. On or about June 1, 1981, the Bureau for Private Postsecondary Education issued an  
27 Approval to Operate, Institution Code 5000121, to North Adrian's College of Beauty  
28

1 (Respondent). On or about May 4, 2011, the Bureau for Private Postsecondary Education  
2 approved a Branch location for Respondent, named Adrian's Beauty College of Tracy, School  
3 Code 99542506. Respondent is owned by Rebecca Abinales, Executive Director of North  
4 Adrian's College of Beauty, Inc.

5 **JURISDICTION**

6 3. This Accusation is brought before the Director of the Department of Consumer  
7 Affairs (Director) for the Bureau for Private Postsecondary Education, under the authority of the  
8 following laws. All section references are to the Education Code (Code) unless otherwise  
9 indicated.

10 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
11 surrender, or cancellation of a license shall not deprive the Bureau of jurisdiction to proceed with  
12 a disciplinary action during the period within which the license may be renewed, restored,  
13 reissued or reinstated.

14 5. Section 94875 provides that the Bureau shall regulate private postsecondary  
15 educational institutions.

16 6. Section 94877 provides that the Bureau shall implement regulations, and an  
17 enforcement program, regarding the operation of private postsecondary educational institutions.

18 7. Section 94937 provides, in pertinent part:

19 (a) As a consequence of an investigation, which may incorporate any  
20 materials obtained or produced in connection with a compliance inspection, and  
21 upon a finding that an institution has committed a violation, the bureau may place  
22 an institution on probation or may suspend or revoke an institution's approval to  
23 operate for:

24 ...

25 (2) A material violation or repeated violations of this chapter or regulations  
26 adopted pursuant to this chapter that have resulted, or may result, in harm to  
27 students. For purposes of this paragraph, "material violation" includes, but is not  
28 limited to, misrepresentation, fraud in the inducement of a contract, and false or  
misleading claims or advertising, upon which a student reasonably relied in  
executing an enrollment agreement and that resulted, or may result, in harm to the  
student.

1 ...

2 (c) The bureau may seek reimbursement pursuant to Section 125.3 of the  
3 Business and Professions Code.

4 ....

5 8. California Code of Regulations, title 5, section 75100 provides that the Bureau may  
6 suspend, revoke or place on probation with terms and conditions an approval to operate.

7 **STATUTORY PROVISIONS**

8 9. Section 94897 of the Code provides, in pertinent part:

9 An institution shall not do any of the following:

10 ...

11 (h) Pay any consideration to a person to induce that person to sign an  
12 enrollment agreement for an educational program.

13 ...

14 (j) In any manner make an untrue or misleading change in, or untrue or  
15 misleading statement related to, a test score, grade or record of grades, attendance  
16 record, record indicating student completion, placement, employment, salaries, or  
17 financial information, including any of the following:

18 (1) A financial report filed with the bureau.

19 (2) Information or records relating to the student's eligibility for student  
20 financial aid at the institution.

21 (3) Any other record or document required by this chapter or by the bureau.

22 ...

23 (r) Charge or collect any payment for institutional charges that are not  
24 authorized by an executed enrollment agreement.

25 ...

26 (u) Fail to maintain policies related to compliance with this chapter or adhere  
27 to the institution's stated policies.

28 **REGULATORY PROVISIONS**

10. California Code of Regulations, title 5, section 71920 provides, in pertinent part:

(a) The institution shall maintain a file for each student who enrolls in the  
institution whether or not the student completes the educational service.

1 (b) In addition to the requirements of section 94900, the file shall contain all  
2 of the following pertinent student records:

3 ...

4 (5) In addition to the requirements of section 94900(b) of the Code, a  
5 transcript showing all of the following:

6 (A) The courses or other educational programs that were completed, or were  
7 attempted but not completed, and the dates of completion or withdrawal;

8 ....

### 9 **COST RECOVERY**

10 11. Section 125.3 of the Code provides, in pertinent part, that the Bureau may request the  
11 administrative law judge to direct a licensee found to have committed a violation or violations of  
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
13 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
14 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
15 included in a stipulated settlement.

### 16 **M.C. COMPLAINT & INVESTIGATION**

17 12. On or about April 18, 2022, the Bureau received a complaint from M.C.<sup>1</sup> against  
18 Respondent. M.C. alleged that after withdrawing from Respondent's Cosmetology program,  
19 Respondent allowed her to re-enroll into the same program only if she forfeited her previously  
20 earned credits from the same school. M.C. further alleged Respondent failed to provide her  
21 transcript and proof of training.

22 13. A Bureau Investigator requested records from both M.C. and Respondent. The  
23 records from M.C. revealed that on October 2, 2018, M.C. signed an enrollment agreement for the  
24 Cosmetology program. On February 25, 2019, M.C. was withdrawn from the program with a  
25 balance owing of \$205.64.

26 14. On September 30, 2020, M.C. requested to re-enroll in the Cosmetology program.  
27 She was provided a document that included a financial inducement for re-enrollment. More  
28 specifically, the document stated that upon re-enrollment, Respondent would waive M.C.'s

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<sup>1</sup> Individuals' initials are used to protect their identities.

1 outstanding balance from her initial period of enrollment. The document also stated that should  
2 M.C. fail to complete her program, she would pay the waived balance from her initial period of  
3 enrollment and current balances, if any.

4 15. On October 2, 2020, M.C. signed a second enrollment agreement for the  
5 Cosmetology program, which does not reference the collection of outstanding institutional  
6 charges from her initial period of enrollment should M.C. fail to complete the program.

7 16. On June 13, 2022, the Bureau Investigator received records from Respondent.  
8 Respondent's School Catalog does not reference the issuance of a waiver, nor the resumption of  
9 waived balances when a student fails to complete the re-enrolled program.

10 17. M.C.'s proof-of-training ("POT") for the period covered by her initial enrollment  
11 period indicates she earned 215 hours. However, M.C.'s POT for her second enrollment period  
12 fails to include these 215 hours. Additionally, M.C.'s transcript for her second enrollment period  
13 fails to include courses taken during her initial enrollment period.

14 **INVESTIGATION OF J.S. AND R.M.**

15 18. On August 11, 2022, the Bureau Investigator requested Respondent provide records  
16 for two other students, J.S. and R.M., who had both withdrawn after initial enrollment and re-  
17 enrolled thereafter. Respondent provided these records on August 29, 2022.

18 19. J.S.'s records revealed that J.S. enrolled with Respondent in June 2018, and then  
19 withdrew from her program in March 2019 with an outstanding balance. Her POT indicates she  
20 completed 167 hours during this initial enrollment period.

21 20. In January 2020, J.S. signed a waiver stating that upon re-enrollment, Respondent  
22 would waive J.S.'s outstanding balance from her initial enrollment period. J.S. signed a second  
23 enrollment agreement, which did not reference the collection of outstanding institutional charges  
24 from her initial enrollment period should she fail to complete the program.

25 21. Additionally, J.S.'s POT failed to include hours completed during her initial  
26 enrollment period, and her transcript failed to include courses taken during her initial enrollment  
27 period.

28

1 22. R.M.'s records reveal that R.M. enrolled with Respondent in April 2018, and then  
2 withdrew from her program in October 2018 with an outstanding balance. Her POT indicates she  
3 completed 450 hours during this initial enrollment period.

4 23. In August 2019, R.M. re-enrolled with Respondent, and was thereafter withdrawn  
5 from her program in May 2020. R.M.'s transcript for this second enrollment period do not  
6 include courses taken during her initial enrollment period. Additionally, her POT does not  
7 include the 450 hours earned during her initial enrollment period.

8 **FIRST CAUSE FOR DISCIPLINE**

9 (Prohibited Business Practices)

10 24. Respondent is subject to disciplinary action under Code section 94937, for violating  
11 Code section 94897, subdivisions (h), (j), (r), and (u), in that Respondent engaged in prohibited  
12 businesses practices, as set forth above in paragraphs 12-23, incorporated herein.

13 **SECOND CAUSE FOR DISCIPLINE**

14 (Student Records)

15 25. Respondent is subject to disciplinary action under Code section 94937, for violating  
16 Code of Regulations, title 5, section 71920, subdivision (b)(5)(A), in that, as set forth above in  
17 paragraphs 17-23, incorporated herein, the student files for M.C., J.S. and R.M. failed to include  
18 courses completed from each of these student's initial enrollment periods.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
21 and that following the hearing, the Director of the Department of Consumer Affairs issue a  
22 decision:

23 1. Revoking or suspending Approval to Operate School Code No. 99542506, an  
24 approved Branch location for Institution Code No. 5000121;

25 2. Ordering Respondent to pay the Bureau for Private Postsecondary Education the  
26 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
27 Professions Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: 3/3/2025

"Original Signature on file"  
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DEBORAH COCHRANE  
Chief  
Bureau for Private Postsecondary Education  
Department of Consumer Affairs  
State of California  
*Complainant*